IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.806 OF 2003

The State of Maharashtra & Anr. ...Appellants

Vs.

Vaishali Vilas Kulkarni & Anr. ...Respondents

Mr.Y.M.Nakhawa,A.G.P. for the Appellants
Mr.S.B.Deshmukh for the Respondent No.1.

CORAM: A.S.OKA, J.
DATED: APRIL 27,2006.

P.C.:

1. Heard learned A.G.P. for the State and Shri Deshmukh or the Respondent No.1. The challenge in the Second Appeal is to the Judgment and Decree dated 30th July 1998 by which the Appellants were directed to pay arrears of salary to the Respondent No.1-Plaintiff who was at the relevant time serving as a teacher. After having heard the learned Advocates for the parties, I find that there is no merit in the Appeal. The learned Joint District Judge, Satara has recorded a finding that the Deputy Director of education had issued a direction through the Education Officer to management of the school to allow the Respondent No.1 to resume duties. It is also observed that the Deputy Director of Education did not accept the termination order issued by the management as legal and valid. The learned Joint District Judge has observed that the direction issued by the

Deputy Director was not challenged by the management.

2. In view of this position, a decree has been passed for payment of arrears of salary in the sum of Rs.24,029.70 with interest only at the rate of 6% p.a. from the date of the suit till realization.

3. No substantial question of law arises in the Second Appeal and the same is dismissed with no order as to costs.

Judge.